

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BMO HARRIS, N.A., successor to
MARSHALL AND ILSLEY BANK, FSB aka
M & I BANK, FSB,

Plaintiff,

vs.

ALI KALAMCHI,

Defendants.

Case No. 2:12-cv-01448-JAD-GWF

ORDER


The undersigned conducted a settlement conference on August 5, 2014, at which Plaintiff's counsel Shadd Wade, Defendant's counsel John Gutke and Defendant Ali Kalamchi, who traveled from the East Coast for the settlement conference, were present. *See Dkt. #59*. Notably absent was Plaintiff BMO Harris Bank's officer or representative with binding authority. On August 28, 2014, the undersigned issued an order to show cause why sanctions should not be imposed on Plaintiff for failing to comply with this Court's Order (#59), to have a representative present at the settlement conference. *See Dkt. #61*.

On September 8, 2014, Plaintiff responded to the Court's order to show cause, therein representing that the parties held numerous settlement discussions and were far apart in their final demands. *See Dkt. #65* at 2. Plaintiff stated that Mr. Ciera, the senior manager at BMO Harris Bank, intended to attend but was unavailable because he was on extended leave. *Id.* In lieu of appearing, Plaintiff represents that Mr. Ciera provided BMO's counsel with a proxy of authority and phone number to contact him in the event the parties were able to resolve their settlement differences. *Id.*

1 Despite its efforts, Plaintiff stated that the settlement conference was not successful and BMO
2 was not able to meet its obligation to appear in person. *Id.* In order to resolve the conduct, BMO
3 offered to pay the reasonable travel expenses of Defendant in attending the settlement conference.
4 Accordingly,

5 **IT IS HEREBY ORDERED** that the Defendant file an affidavit with the Court listing the
6 reasonable travel and lodging expenses that he expended to attend the August 5, 2014 settlement
7 conference. When possible, the Defendant shall also attach receipts to verify the expenditures. The
8 Plaintiff shall have fifteen (15) days from the date the affidavit is entered to file an opposition to the
9 listed expenses. Defendant shall have ten (10) days from the date the opposition is filed to file a reply.

10 DATED this 15th day of September, 2014.

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13 GEORGE FOLEY, JR.
14 United States Magistrate Judge
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